

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #06-23(E)

DIGEST

Temporarily amends 312 IAC 18-3-18, which regulates the emerald ash borer (*Agrilus planipennis*) as a pest or pathogen, to provide quarantine standards with respect to the species. Quarantines any county with a township that is an infested area. Requires an order by the state entomologist before an area is regulated as an "eradication area". The amendment applies to Adams County, Hamilton County, LaGrange County, Marion County, Randolph County and Steuben County. Repeals LSA #05-307(E), published at 29 IR 830, and LSA #05-317(E), published at 29 IR 831.

SECTION 1. (a) This SECTION is supplemental to 312 IAC 18-3-18(c).

(b) This subsection supersedes 312 IAC 18-3-18(a)(3). "Eradication area" means both of the following apply:

- (1) An area is within a one-half (1/2) mile radius from a plant or plants infected by the emerald ash borer.**
- (2) The state entomologist has issued an order declaring an area described by subdivision (1) as an "eradication area".**

(c) This subsection supersedes 312 IAC 18-3-18(a)(4). "Infested area" means a township where the emerald ash borer is present or where circumstances make it reasonable to believe that the emerald ash borer is present.

(d) "Quarantined county" means a county that includes at least one (1) infested area.

(e) These counties are quarantined counties, and these townships are infested areas. They are regulated under this document and under 312 IAC 18-3-18:

- (1) Adams County:**
 - (A) Root Township.**
 - (B) Washington Township.**
- (2) Hamilton County:**
 - (A) Clay Township.**
 - (B) Delaware Township.**
- (3) LaGrange County:**
 - (A) Clay Township.**
 - (B) Lima Township.**
 - (C) Newbury Township.**
 - (D) Van Buren Township.**
- (4) Marion County**
 - (A) Lawrence Township.**
 - (B) Washington Township.**
- (5) Randolph County, White River Township.**
- (6) Steuben County:**
 - (A) Jamestown Township.**
 - (B) Millgrove Township.**

(f) This subsection supercedes 312 IAC 18-3-18(e). A person must not move a regulated article outside a quarantined county except under the following conditions:

- (1) An inspector issues a certificate of inspection following a thorough examination of the regulated article and any treatment method. The certificate must be properly supported by a determination by the inspector, or by a grower or shipper authorized to conduct an inspection under a compliance agreement, that no life stage of the emerald ash borer is present. A certificate may be conditioned upon the completion of treatments administered under methods approved by the state entomologist or by a United States federal officer authorized by the state entomologist.**

(2) A certificate of inspection is attached to any regulated article or to a shipping document that adequately describes the regulated article. The certification must remain attached until the regulated article reaches its destination.

(g) This subsection supersedes 312 IAC 18-3-18(h). A person must not move a regulated article from an infested area through a nonregulated area or a quarantined county to a regulated destination without a certificate of inspection for emerald ash borer, except under the following conditions:

(1) From September 1 through April 30, or when the ambient air temperature is below forty (40) degrees Fahrenheit, if the person does not stop except to refuel or for traffic conditions.

(2) From May 1 through August 31 when the temperature is forty (40) degrees Fahrenheit or higher, if the article is:

(A) shipped in an enclosed vehicle; or

(B) completely enclosed by a covering adequate to prevent the escape of any emerald ash borer.

(3) The county and state of origin and the final destination of the regulated article is indicated on the bill of lading or shipping document.

(h) This subsection supersedes 312 IAC 18-3-18(n). Regulated articles from another infested state or any part of a state infested with the emerald ash borer are prohibited entry into Indiana without an accompanying certificate of inspection or compliance agreement issued by the U.S. Department of Agriculture or the plant health regulatory agencies of the originating state.

(i) This subsection supersedes 312 IAC 18-3-18(p). A person must not move ash, in any form, from an infested area without a compliance agreement signed by the state entomologist or his or her designee.

SECTION 2. LSA Document 05-307(E) IS REPEALED.

SECTION 3. LSA Document 05-317(E) IS REPEALED.

SECTION 4. SECTION 1 of this document expires on January 1, 2007

(Filed with the Secretary of State on January 23, 2006 at 4:20 p.m.)